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Applicant: David Reginald ADAMS

Title: PIRAZINO(AZA)INDOLE
DERIVATIVES

Appl. No.: 09/890,186

Filing Date: 10/09/2001

Examiner: V. Balasubramanian

Art Unit: 1624

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed May 15, 2002, Applicant hereby provisionally elects, with traverse Group VIII, Claims 1-18, 32 and 34, drawn to compound of formula I where X^1 , X^2 , X^3 and X^4 are CR_4 for examination.

Applicant also elects the treatment of obesity as the "specific method of use for a specific disease."

Applicant traverses the restriction requirement for the same reasons set forth in the February 14, 2002 response to the previous restriction requirement. That is, there is unity of invention by virtue of common utility and substantial structural identity. Here, there is common utility, as shown by the fact that compounds all are disclosed as 5-H₂ receptor ligands (specification, page 3, lines 10-16), further attesting to unity of invention for all of the compounds and their method of use. The only structural difference is the number and location in an aromatic ring of N atoms and CR groups. It is apparent that such structural differences do not negate the general utility and, *a fortiori*, do not negate unity of invention. Therefore, it is respectfully urged that the restriction requirement be withdrawn.

Applicant submits that, at the very least, non-elected Group VII should be examined with elected Group VIII. Group VII differs from Group VIII by only a single nitrogen atom in the ring. The exemplified compounds in the present application are all either in Group VIII (12 examples) or Group VII (1 example).

Applicant, of course, reserve the right to file a divisional application(s) covering the subject matter of the non-elected claims, or re-instate the non-elected claims if an elected general linking claim is allowed.

Respectfully submitted,

Date Jun 17, 2002

By T. J. Burns

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